

**Consideration for preliminary adoption to repeal of 312 IAC 18-3-20 governing the regulation of Brazilian elodea; Administrative Cause No. 11-156E**

The Department of Natural Resources requests that the Natural Resources Commission give preliminary adoption of repeal of 312 IAC 18-3-20, which governs the regulation of Brazilian elodea. The rule is not in use at this time for any management of an infestation of this plant. Brazilian elodea is included in the proposed new rule section, which would govern prohibited invasive aquatic plants and restricted invasive aquatic plants (Administrative Cause No. 11-054E).

Existing language proposed for repeal:

**312 IAC 18-3-20 Regulation of Brazilian elodea, a pest or pathogen**

Authority: IC 14-10-2-4; IC 14-24-3

Affected: IC 14-24

Sec. 20. (a) Brazilian elodea (*Egeria densa*) is an exotic plant that has infested Indiana lakes, rivers, and other waterways in Indiana.

(b) Brazilian elodea is a pest or pathogen regulated under this section. This regulation applies to any life stage of Brazilian elodea.

(c) Except as provided in subsection (e), in Indiana a person must not do the following:

(1) Possess, sell, offer for sale, gift, barter, exchange, or distribute *Egeria densa* as an outdoor water plant.

(2) Allow Brazilian elodea to infest any of the following:

(A) A lake.

(B) A river.

(C) A pond.

(D) An outdoor water garden.

(E) A waterway.

(3) Transport Brazilian elodea on or within any of the following:

(A) A boat.

(B) A trailer.

(C) A motor vehicle.

(D) A bait bucket.

(E) Fishing gear.

(F) A creel.

(G) Tackle.

(H) A tackle box.

(I) Another aquatic appurtenance.

(d) A property owner who has Brazilian elodea in an outdoor environment must take lawful efforts to eliminate this species.

(e) Exempted from this section are the following:

(1) A retail or wholesale business that sells Brazilian elodea for use within an indoor aquarium.

(2) A person who possesses Brazilian elodea within an indoor aquarium.

(3) A person who possesses Brazilian elodea under a permit issued by the state entomologist for scientific research, a contained use, or education.

(4) A person engaged in a project approved by the state entomologist for the destruction of Brazilian elodea.

(f) The state entomologist may issue a permit to a qualified applicant to engage in scientific research, a contained use, or education. If appropriate to the purposes of this section, the state entomologist may issue an order to modify a permit issued under this subsection. (*Natural Resources Commission; 312 IAC 18-3-20; filed Jul 10, 2007, 2:15 p.m.: 20070808-IR-312060570FRA; readopted filed Sep 19, 2008, 10:23 a.m.: 20081008-IR-312080076RFA*)